

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 6984 of 2006(F)  
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PETITIONER:  
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MANESH K. JOSE, S/O. JOSE,  
KADAVI HOUSE, MANNUTHY P.O.,  
MULLAKKARA, THRISSUR DISTRICT.

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS:  
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1. DEPUTY TAHSILDAR (REVENUE RECOVERY)  
TRICHUR TALUK OFFICE, TRICHUR.
2. THE WILD LIFE WARDEN, OFFICE OF THE  
WILD LIFE WARDEN, PEECHI WILD LIFE DIVISION  
PEECHI P.O., TRICHUR DIST., PIN-680 653.
3. CONSERVATOR OF FOREST,  
WILD LIFE DIVISION, NORTHERN REGION,  
OLAVAKKODE, PALAKKAD.
4. CHIEF CONSERVATOR OF FORESTS  
(WILD LIFE), THIRUVANANTHAPURAM.
5. STATE OF KERALA, REPRESENTED BY  
SECRETARY TO THE GOVERNMENT, FORST & WILD  
LIFE DEPARTMENT, GOVT.SECRETARIAT,  
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S RANJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## APPENDIX

## PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RECEIPT NO. 122/99-00 DATED 29.12.99 FOR AN AMOUNT OF RS. 15,000/-.

EXT.P1(a) TRUE COPY OF THE RECEIPT NO. 128/99-2000 DATED 8.2.2000 FOR AN AMOUNT OF RS. 3,000/-.

EXT.P2 TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 17.5.2000

EXT.P2(a) TRUE COPY OF THE ACKNOWLEDGEMENT CARD TO THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE JUDGMENT DATED 10.3.2004 IN WPC 5589 OF 2004 OF THIS HON'BLE COURT.

EXT.P4 TRUE COPY OF THE JUDGMENT DATED 30.6.2004 IN W.A.NO. 1063 OF 2004 OF THIS HON'BLE COURT.

EXT.P5 TRUE COPY OF THE LETTER NO. PW1/1182/99 DATED 7.5.2000 ISSUED BY THE 2ND RESPONDENT TO THE THIRD RESPONDENT.

EXT.P6 TRUE COPY OF THE LETTER NO. PW1/1182/99 DATED 26.5.2005 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P7 TRUE COPY OF THE DEMAND NOTICE ISSUED TO THE PETITIONER BY THE FIRST RESPONDENT DATED 16.2.2006

EXT.P8 TRUE COPY OF THE AFFIDAVIT FILED BY THE APPELLANTS IN W.A.NO. 1063 OF 2004 DATED 15.6.2004

## 2ND RESPONDENT'S EXHIBITS:

EXT.R2(a) TRUE COPY OF THE WRIT PETITION 5589 OF 2004

EXT.R2(b) TRUE COPY OF THE SAID ACKNOWLEDGEMENT

EXT.R2(c) TRUE COPY OF THE LETTER DATED 8.3.2001

EXT.R2(d) TRUE COPY OF D.O. LETTER NO. A7-5428/2006 DATED 2.3.2006

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

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W.P.C. NO. 6984 OF 2006  
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Dated this the 25th day of June, 2007

### JUDGMENT

Petitioner is challenging Ext.P6 whereunder the second respondent has demanded an amount of Rs. 5652/- from the petitioner towards loss suffered on account of resale of jeep earlier sold to the petitioner. The jeep bearing registration No. KRE 1254 was sold to the petitioner on 29.12.1999 for Rs. 36,000/-. However, admittedly respondents did not give delivery to the petitioner on the ground that proceedings for confirmation of sale was pending. Since confirmation was delayed beyond one year, petitioner wanted to back out of the sale and informed the respondents. Even though petitioner's case was upheld vide Ext.P3 judgment, it was reversed by a Division Bench of this Court. However, pursuant to Division Bench judgment, the department refixed the liability under Ext.P6 which is under challenge.

2. It is seen that the vehicle initially sold for Rs. 36,000/- to the petitioner could be sold after 15 months only for Rs. 14,100/-. This obviously means that vehicle suffered extra depreciation and damage in

the custody of the department which is a reflection of poor maintenance of the vehicle by the department. Not only the department delayed delivery which led to the whole fiasco, but they did not maintain the vehicle also which is clear from the low value at which the vehicle is sold after one year and three months of sale to the petitioner. Petitioner has already lost Rs. 18,000/- in the deal. Therefore there is no justification to demand any further payment from the petitioner. W.P. is allowed quashing Ext.P6.

(C.N.RAMACHANDRAN NAIR)  
Judge

